



# HOUSE JOINT RESOLUTION No. 8

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## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 1 of the Indiana Constitution.

**Synopsis:** Right to opt out of health care system. Proposes an amendment to the Indiana Constitution to specify certain rights with respect to health care. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Turner, Stemler**

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January 20, 2011, read first time and referred to Committee on Public Health.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

## HOUSE JOINT RESOLUTION No. 8

A JOINT RESOLUTION proposing an addition to the Indiana Constitution concerning health care.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Seventeenth General Assembly of the State of Indiana, and is referred
- 4 to the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 1, SECTION 38 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS ADDED AS A **NEW** SECTION TO
- 7 READ AS FOLLOWS: **Section 38. (a) A person, an employer, or a**
- 8 **health care provider shall not be compelled, directly or indirectly,**
- 9 **to participate in any health care system.**
- 10 **(b) A person or an employer may pay directly for lawful health**
- 11 **care services and may not be subject to penalties or fines for**
- 12 **paying directly for lawful health care services.**
- 13 **(c) A health care provider may receive direct payment for**



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1 health care services from a person or an employer and may not be  
 2 subject to penalties or fines for accepting direct payment from a  
 3 person or an employer for lawful health care services.

4 (d) Subject to reasonable and necessary laws that do not  
 5 substantially limit a person's options, the purchase or sale of health  
 6 insurance in private health care systems may not be prohibited.

7 (e) A health care system's terms and conditions must not have  
 8 the effect of punishing:

9 (1) a person or an employer for paying directly for lawful  
 10 health care services; or

11 (2) a health care provider for accepting direct payment from  
 12 a person or an employer for lawful health care services.

13 (f) This section does not do any of the following:

14 (1) Affect which health care services a health care provider is  
 15 required to provide.

16 (2) Affect which health care services are permitted by law.

17 (3) Prohibit care provided in relation to worker's  
 18 compensation.

19 (4) Affect laws in effect before January 1, 2011.

20 (g) The General Assembly may define terms in this section by  
 21 appropriate legislation.

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